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July 12, 2010

AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

Honorable Michael A. Shipp
United States Magistrate Judge
United States District Court
District Of New Jersey

Re: WALSH SECURITIES, INC.,

Action No. CV 97-3496 (WGB)

Dear Judge Shipp,

I represent myself Richard Calanni, pro-se. I am making a request to seek leave to file a dismissal of all charges and claims/and cross claims against me of the above reference matter, based by discovery of sworn testimony of depositions by witnesses and/or defendants, who were brought forth by the plaintiff and/or other defendants, all testified under oath that I did not conspire with them against Walsh Securities as described by the plaintiffs, in the plaintiffs complaint. Direct questioning by me, cross examination by the plaintiff and other defending attorneys, then re-crossed by me the answer was still the same, that I was not a conspirator. Witnesses who admit under oath that they did have involvement of wrong doing , also testified I was not a conspirator.

The plaintiff claims against me have proven false by its own witness's.

A scheme that already was in play before I even got my first appraisal assignment.
A scheme that was in play and orchestrated a covered up by Walsh Securities employee
A scheme already planted by attorney's.
A scheme where loan officers and their associates collected straw buyers who were paid to pretend they were buying properties.
A scheme that cash incentives (kickbacks) were secretly made to these straw buyers to buy their artificial purchase.

A scheme where 60% concessions were made relieving the potential buyer of mortgage debt and ownership was secretly made.

A scheme that altered qualifications of buyers to make it appear they were able to buy properties.

All of the above are testimonies of witness's brought forward by the plaintiff and/or defendants including Mr. Kott.

A scheme that was so already in progress, that there was no way in the world I as an appraiser who has had no banking training could have ever seen a red flag. The red flag was buried by to many professionals (witness's brought forward) who have done this before and know the business well.

Your honor has asked me to speak with the plaintiff attorney about dismissing me. However, the plaintiffs attorney's, Mr. Magnanini interest is his client and not me. I have spoke to Mr. Magnanini several times about letting me out. He has never followed up on that request for discussion other than continue the charges. So I respectfully turn to you Judge Shipp to please look at the evidence of discovery and see through the maze of 15 years.

There are thousands of pages to this case. I ask your honor to pleases read my plea I write you now, which is only one out of thousands submitted compared to the qualified attorney's here.

I am not an attorney, I was a real estate appraiser with a high school diploma. So please forgive anything that sounds argumentative or like a question. I might word it wrong. I only want to present the facts the best way I know how. I did not take this challenge on by choice. I took it on because I cant afford an attorney and my criminal attorney left me hanging. Any lawyer I talked to wont go near this 15 years of case. I was told by attorney's I spoke to, that no money in the world can touch this. I understand I'm against big guns, but I have no choice.

I write this request your honor with a lump in my throat and a racing heart because I'm not trained, not a lawyer, not getting help and find the courts and this intimidating and frightful. I'm afraid of sounding disrespectful and out of line. It has taken me days to nerve up and forward this to you. But the truth is the truth and I have to say what I have

to say. The attorneys sending argumentative letters back and forth to each other, (less then professional in my opinion) have given me the courage to go forward with this request of, “ **Leave to FILE a DISMISSAL**“.

As I understand, discovery is to see why and/or how a case goes forward. Meaning what eliminations are made, what evidence is allowed or denied, who and what stays and as mentioned several times by Mr. Kott at different occasions as well as commenting on our last phone conference, “ **Saving time and money for the courts and every one involved**”.

As a limousine driver and independent owner with one car and 3 customers, I'm living trip to trip. Not even week to week. Due to the fall of the economy, my bills and debt are beyond my means. My wife has an immune illness, high blood pressure and diabetes. that is not under control. Every time a letter comes in the mail or the door bell rings she frights because of this case. We've been to every doctor and hospital known for her condition with no positive results. Out of pocket expense as well as insurance payments are beyond my means. The stress of this case for 15 years have become unbearable for my wife and myself. The doctors say stress is the factor of her condition. Currently I lost ½ my income this year. In order to keep my client they gave me an alternative to cut pricing in half or their gone. So I did because there's nothing else out their for me that could meet my current expenses. I'm always living under an alternative. Mr. Kott had paid me \$84.00 give or take for my days deposition worth when my business was more steady, years ago. I'm now worth less then half of what Mr. Kott paid me then. I'm paying \$250.00/month to the IRS with a \$100.00/ month penalty and interest. This tax year again I applied a Federal and State extension because I'm still paying last years. My Horizon health insurance went up \$92.00 for a total of \$708.44/month, my wife is \$43.00/month and 581.00/qtr. I have restitution I cant keep up with, credit card debt with judgments against me, even though I tried to make a deal with them. My credit is shot so I cant borrow. I just cant keep up with all this anymore. No money to hire an attorney, time off to defend myself means no days works of which is how I work, trip to trip when it's there. The anxiety is to much. I'm having problems filling my gas tank to go to work. My car broke down which cost me \$935.00. I Don't have that either.

So here it goes Judge Shipp. The way best I can describe my request for dismissal: The information above and the following your honor is in my depositions, the witness's depositions in this case and statements made to the FBI.

I can only start from the beginning

I moved to Monmouth county and was looking for a career in New Jersey. I knew nothing about the area, especially Monmouth County. After trying different jobs, I stumbled onto real estate appraising. I'm originally from New York City. I didn't know anything about New Jersey. I figured I would learn along the way. Like anyone who moved to a new place. When I first got my appraisal assignment in Asbury Park, it was the first time I was ever there. I thought it was beautiful. Big homes, turn of the century design, wrapped around porches, big property on most and near the beach. The best, it had side walks. Something New Jersey needs more of. Of cause what I thought was beautiful, gets ugly in the news papers. I'm a New York boy, born and breed from Avenue "A", what they call Alphabet City. I didn't know they called it that till I move here. To us it was just The Neighborhood. Graduate Seward Park High School. No college graduates just hard working laboring families. I was in Track and field in High School, chorus and plays in school. Our night out were stick ball, basketball games at La Salles, dances from Brooklyn to Harlem, 23rd street pool, tar beach and Central Park. If we were lucky how family picnics were Bear Mountain. We knew nothing of segregation till I moved here. And I learned Asbury Park was that. Being from the New York City I saw nothing else but beautiful property in Asbury Park.

I had no clue that I was surrounded by fraud, crooked attorney's (OFFICERS OF THE COURT), crooked bankers, real estate agents, bank processors, and attorney secretaries of whom all gave fraudulent information intentionally or not, makes no difference, but it was fraudulent non-the-less. And all these people, of which some have confessed to handling fraudulent documentation which eliminates an Arms Length Transaction, of which I was not aware of, was forwarded to me as an appraiser, resulting in a faulty appraisal. These action were worse then money. They were taking advantage of people less fortunate then them. I come from the same legacy. My father was out of work many times and we at times did not know when our next meal would be. My mother had to get City assistance just the same to feed us. I choke even now writing this and my heart breaks today remembering the pain my mother and family went through just to put food on the table and pay the rent. And that's when rent was only \$28.00.

I would never, never have done and never will do what the plaintiff has claimed. My stomach turns every day with this case and now even more bringing back these horrible

memories of childhood poverty. And now here because of these crooks involved in this case, I sit here again today not knowing when my next dollar is coming in because I lost a career that I thought would finally bring me some sense of success.

I was told by Robert Skowrenski, owner of National Home Funding, (who was my client), that Bill Kane (William Kane) a loan officer for NHF, got a group of investors who will be buying up properties for investments. And he, (Robert Skowrenski) would like to offer me the assignments. Robert Skowrenski knew me from his last employed. He now owned NHF and offered me work as a friend because my business was also new.

- 1) Robert Skowrenski of National Home Funding who was my one and only client related to this case as been relieved by the plaintiff and is no longer a defendant. He was the only one I answered too in the business affairs related to this case. He under oath also testified that no conspiracy or intent to conspire to defraud Walsh Securities was ever made between he and I. The plaintiff considers him no longer to be a defendant. The plaintiff makes a deal with him and now he's dismissed. What ever the deal was your honor, Mr. Skowrenski's testimony of me is the same. We never conspired.
- 2) William Kane who served jail time due to this case appears to be the center in the matters of this case, as admitted to wrong doing and knows many of the details and reasons of this case, testified and answered under oath that he and I never planned to conspire to defraud of Walsh Securities or any other. Direct questioning by Mr. Magnanini, direct questioning by myself Richard Calanni, Crossed by Mr. Magnanini, and re-crossed by myself the answer was the same, with a direct "NO" I never conspired with him
- 3) Kelly O'Neil a processor, who was an employee of Walsh securities, testified about her wrong doing by taking out certain parts of files that relate to this case, under oath testified that she never conspired with me or that I was a part of a any conspiracy to defraud Walsh Securities.
- 3)Lauri King, who I thought was working for the closing attorney prior to this case, has testified under oath that she never conspired with me to defraud Walsh Securities and that the closing information she supplied to me was accurate and not fraudulent.

This people mentioned above are the only ones that without them, I have no

assignment. And none of them implicated me in any wrong doing or conspiracy to defraud Walsh Securities or any other.

As I have stated in my own deposition from this current case as well as the criminal case, I

had no knowledge of any criminal activity against Walsh Securities or any other.

The plaintiff has failed to bring any witness's forward to support the charges made against me in this case. As a matter of fact there has been no one who as been brought forward who could testify I was a part of the Rico Act, conspiracy, fraud, or racketeering as said by the plaintiff, and or defending attorneys. It appears that my attorney during the federal criminal case who told me my plea of guilty was based on "**Some on else's truth**" and that intent was not needed **was a lie**. My attorney also had me read a different plea two days prior the one I signed. **The one he had me read, read without intent**. Well the only **TRUTH** I have heard under testimony from individuals that have been in this case from the very beginning during the FBI investigation, your honor is just as it should be, **I had nothing to do with this**. That is the **TRUTH** and testimony under oath. If there is no one now to say I was a conspirator, there was no one then. It appears I've been **HAD** from the very start including by my attorney. I told him that someone else's truth, as he described, could lead down the line of a civil law suit. He assured me that this wouldn't happen and in 5 to ten years he could make this all go away as if it never happened. But if I don't take the plea, " someone else's TRUTH will send me to jail under federal law rules of without intent". I asked him what is that. He said as long as the FBI has someone to say you did, and you spoke with them about anything as long as the scheme was on, I am guilty even though I had no intent and didn't know anything. The Monmouth County investigator also told me, " we know you got screwed, but your going down anyway". Well. With all this power against me and me trusting in my attorney , I believed him. So here I am with the plaintiff taking advantage of my unfortunate legal representation. I truly believed in the system and the good guys in white hats were listening to my position in this case. No one ever forced me to talk to the FBI. I thought I was helping them never thinking they were going to twist everything I said just to get an arrest. I thought the FBI was going to really catch the bad guys instead of the less advantage. I believed in the system and I was wrong. At the time of my sentencing, Judge Wolin said " I don't know what to do with him. It seems that he was just a spoke on a wheel that spun out of control" The assistant US Attorney Allen Liebman said " your honor, we're not even sure if Mr. Calanni knew all the players". At this point would you not expect your attorney to stand up and say, so what are we doing here? But he said

nothing, kept sitting with his legs cross and steered into the air while I looked at him hoping he would say something. Please check the court stenographers minutes at the time of my sentencing those two ending comments from the judge and the assistant US attorney told their **truth** to

Now just a few bazaar turns that makes this case loose merit on its own.

This case is going on where the plaintiff attorney's has represented Betty-Ann DiMola during her depositions. She admitted to quilt and was an executive of Walsh Securities. In my opinion her being an executive of Walsh Securities is just another reason why Walsh Securities has no ground. She is part of Walsh Security being an executive and also a sister. Interesting her being a sister of James & Robert Walsh she's being representing by their attorney. How did that make this OK?. I cant afford an attorney either. Will the plaintiffs attorney represent me?

If they claim its because Betty Ann DiMola was an ex-employee, why isn't the plaintiff representing Kelly O'Neal and Anthony DaPolito. They are also ex-employees of Walsh Security and admitted quilt and or wrong doing, another reason Walsh Securities loses a foot hold. So now there are 3 who were Walsh employed and yet they goes on to blame others. No How fare is this, or should I say how controlled by the plaintiff is this. The ball appears to be in the plaintiffs court on both defense and offense. Something is wrong. I'm sorry it doesn't look like a fare playing field to me. How can they be allowed to defend a person who plead guilty against them.

I believe I need to ask the court base on testimony that came from witness's that were brought in by the plaintiff and or defendants for request to seek dismissal and not the plaintiff. I have spoken to Mr. Magnanini in the past to let me go and nothing has ever been considered by his team

Please your honor, look through the facts, years, testimonies and my wives physical and mental situations, my finances and being,

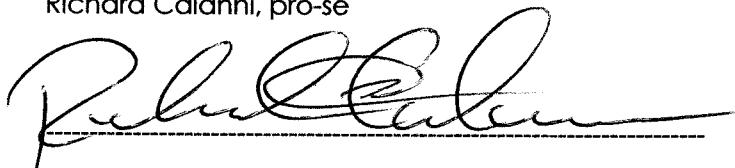
Name calling and accusations have been passed back and forth from the plaintiff attorney to the defending attorneys beyond the scope of professionalism in this case, which appears to be lost out of sight of what I legal procedure of Truth and Justice was all about.

Well, you Honor I still have trust in our system and I'm hoping that you have seen this case

in what it really is and what it really is not. I'm hoping you see how I have waited, listened and follow all the rules to the best of my ability and self taught efforts, that your Honor has put forth and the Judges before you. And now that the attorneys have reached a point of name calling and brought this case from a court of law to a school yard sand box, its not because their bad people, its only because that's where this case brought us all because of the truths.

After all these years your Honor, since 1996, they, the deposed remember I had nothing to do with these charges of conspiracy against Walsh Securities because, its easy to remember the truth. The truth being that I did not commit or act in any way to conspire against any one or anybody. And testimony of witness's have answered so, who were brought forward by the plaintiff, Mr. Magnanini and Mr. Kott and or others.

Richard Calanni, pro-se



Vs.

7-29-10

CRISTO PROPERTY MANAGEMENT, LTD.,
a/k/a G.J.L LIMITED, DEK HOMES OF NEW
JERSEY, INC., OAKWOOD PROPERTIES, INC.,
NATIONAL HOME FUNDING, INC.,
CAPITAL ASSETS PROPERTY MANAGEMENT &
INVESTMENT CO., INC., CAPITAL ASSETS
PROPERTY MANAGEMENT, L.L.C., WILLIAM KANE, GARY GRIESER,
ROBERT SKOWRENSKI, II, RICHARD CALANNI, RICHARD DiBENEDETTO
JAMES R. BROWN, THOMAS BRODO, ROLAND PIERSON,
STANLEY YACKER, ESQ., MICHAEL ALFIERI, ESQ.,
RICHARD PEPSNY, ESQ., ANTHONY M. CICALESE, ESQ.,
LAWRENCE CUZZI, ANTHONY D'APOLITO, DAP CONSULTING.
INC., COMMONWEALTH LAND TITLE INSURANCE CO.,
NATIONS TITLE INSURANCE OF NEW YORK, INC.,
FIDELITY NATIONAL TITLE INSURANCE CO. OF NEW YORK,
COASTAL TITLE AGENCY, STEWART TITLE GUARANTY COMPANY,
IRENE DIFEO, DONNA PEPSNY, WEICHERT REALTORS, AND VECCHIO
REALTY, INC. D/B/A MURPHY REALTY BETTER HOMES AND GARDEN

Defendants